

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.7853 OF 2003

Shri Balkrishna Narayan Kathpulkar. ...Petitioner.
Vs.
Satara English Medium School,
Mangalwar Peth, Kalaram Mandir,
Satara & Ors. ...Respondents.

....
Mr. Kishor S. Patil for the Petitioner.
Mr. Uday Warunjikar for Respondent No.1.
Mrs. M.P. Thakur, AGP for Respondent Nos.3 to 5.

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**CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.**

April 18, 2006.

P.C. (Per Dr. D.Y. Chandrachud, J.):

The relief which the petitioner seeks in these proceedings is for a direction to the First and Second Respondents to correct the School Leaving Certificates issued to his sons Ajay and Sanjay. At the hearing, it has been submitted on the basis of the First Respondent's letter dated 3rd January 2003 (Exhibit A) that the students must be treated as having been in the school after the Academic Year 2000-01 since the school has recovered fees, for that period. The Deputy Education Officer (Secondary), Zilla Parishad, Satara has filed an affidavit in which it has been stated that during the Academic Year 1998-99, Ajay was studying in the

Eighth Standard, while Sanjay was studying in the Seventh Standard. Both the students failed. During 1999-2000 both the students came to be enrolled as external students. Ajay registered for the Tenth Standard Board examination as an external student, but did not appear. It has been clarified that this, however, does not show that the student has passed the Ninth Standard because under the applicable regulation governing the SSC Examination, a student who is fifteen years' of age, having a minimum qualification of having passed the Fourth Standard can register himself for the Tenth Standard Examination as an external student. Ajay was, therefore, registered for the Tenth Standard Board Examination though he actually failed in the Eighth Standard.

We are satisfied by perusing the affidavit filed by the Deputy Education Officer (Secondary) and after hearing Counsel that the petition is devoid of any substance. After the students in question, failed to clear the examination for the Academic Year 1998-99, they were enrolled thereafter as external students. The School was, therefore, justified in declining to grant a School Leaving Certificates treated them as having left the school in 2001. The Petition is accordingly dismissed.

CHIEF JUSTICE

Dr.D. Y. Chandrachud, J.